

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

ROBERT HARVIE PAYNE

[Enter the full name of the plaintiff in this action]

PLAINTIFF

v.

LINDA LOMBARD,

AL CANNON . AND

CHARLESTON COUNTY,

DEFENDANTS.

[Enter above the full name of defendant(s) in this action]

RECEIVED, CLERK'S OFFICE
Civil Action No. 11-0

JUN 16 P 1:40 (to be assigned by Clerk)

COMPLAINT
State Prisoner

EXCESSIVE BAIL
DENIAL OF PRELIMINARY
HEARING, LACK OF
JURISDICTION, UNLAWFUL
IMPRISONMENT &
HABEAS CORPUS

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise related to your imprisonment? Yes _____ No X

B. If your answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.

1. Parties to this previous lawsuit:

Plaintiff: _____

Defendant(s): _____

2. Court: _____
(If federal court, name the district; if state court, name the county)

3. Docket Number: _____

4. Name(s) of Judge(s) to whom case was assigned: _____

5. Disposition: _____
(For example, was the case dismissed? Appealed? Pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT

- A. Name of Prison/Jail/Institution: CHARLESTON COUNTY DETENTION CTR
- B. What are the issues that you are attempting to litigate in the above-captioned case? EXCESSIVE BAIL, DENIAL OF PRE-LIMINARY HEARINGS, LACK OF JURISDICTION HABEAS CORPUS
- C. (1) Is there a prisoner grievance procedure in this institution? Yes X No _____
- (2) Did you file a grievance concerning the claims you are raising in this matter? Yes X No _____
- When 5 JUNE 11 Grievance Number (if available) _____
- D. Have you received a final agency/departamental/institutional answer or determination concerning this matter (i.e., your grievance)? Yes X No _____
- E. When was the final agency/departamental/institutional answer or determination received by you? 9 JUNE 11
- If possible, please attach a copy of your grievance and a copy of the highest level decision concerning your grievance that you have received.*
- F. If there is no prison grievance procedures in this institution, did you complain to prison, jail, or institutional authorities? Yes _____ No _____
- G. If your answer is YES:
1. What steps did you take? _____
 2. What was the result? _____

III. PARTIES

In Item A below, place your name, inmate number, and address in the space provided. Do the same for additional plaintiffs, if any.

- A. Name of Plaintiff: ROBERT PAYNE Inmate No.: 2098
- Address: 3841 LEEDS AVE, NCHAS, SC 29405

In Item B below, place the full name of the defendant, his official position, and place of employment in the space provided. Use Item C for additional defendants, if any.

- B. Name of Defendant: LINDA LOMBARD Position: BOND HEARING MAGISTRATE
- Place of Employment: CHARLESTON COUNTY

- C. Additional Defendants (provide the same information for each defendant as listed in Item B above):

AL CANNON - SHERIFF AND HEAD OF CHAS. CO. DET. CTR.
CHARLESTON COUNTY - BOSS OF AL CANNON & LINDA LOMBARD

IV. STATEMENT OF CLAIM

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an extra sheet if necessary.

① EXCESSIVE BAIL: BOND HEARING MAGISTRATE
LINDA LOMBARD HELD A BOND HEARING ON 30 JUNE 11
VIA VIDEO CONFERENCE. LOMBARD ~~WAS~~ DID NOT
DETERMINE THAT RELEASE OF PLAINTIFF ON
RECOGNIZANCE WOULD NOT REASONABLY ASSURE
PLAINTIFFS APPEARANCE AS REQUIRED. LOMBARD
DID NOT DETERMINE THAT RELEASE OF PLAINTIFF
ON RECOGNIZANCE WOULD RESULT IN AN UNREASONABLE
DANGER TO THE COMMUNITY. LOMBARD VIOLATED
THE STATE COURT ADMINISTRATION'S OWN ORDER
WHICH SPECIFICALLY DIRECTS HER TO RELEASE
ARRESTEES ON PERSONAL RECOGNIZANCE WITHOUT
SURETY UNLESS SHE FIRST DETERMINES A "FLIGHT"
OR "DANGER". LOMBARD FAILED MISERABLY ON ALL
THREE ISSUES. LOMBARD SET A CASH BOND OF \$351,212.⁰⁰

② LACK OF JURISDICTION: THE COURT LACKED
JURISDICTION TO EVEN CONSIDER THIS ISSUE BECAUSE
THE CHARGING DOCUMENTS FAILED TO STATE ALL
THE ELEMENTS OF THE CRIME.

③ DENIAL OF PRELIMINARY HEARING: STATE LAW
REQUIRES A PRELIMINARY HEARING WITHIN 10 DAYS OF
REQUEST. MORE THAN 10 DAYS HAS ELAPSED AND
PLAINTIFF STILL HAS NOT BE GIVEN HIS PRELIM. HRG.

IV. STATEMENT OF CLAIM - continued.

④ HABEAS CORPUS PLAINIFF IS BEING
HELD ILLEGALLY BY EXCESSIVE BAIL,
LACK OF JURISDICTION AND DENIAL OF
PRELIMINARY HEARING. THIS IMPRISONMENT
IS UNLAWFUL.

V. RELIEF

State briefly and exactly what you want the court to do for you. ORDER DEFENDANTS TO

- ① RELEASE PLAINTIFF IMMEDIATELY ON PERSONAL RECOGNIZANCE WITHOUT SURETY. FINE DEFENDANTS \$10,000.⁰⁰ PER DAY OF EXCESSIVE BAIL AS ACTUAL DAMAGES AND \$100,000.⁰⁰ PER DAY AS PUNITIVE DAMAGES, AWARD DAMAGES TO PLAINTIFF
 - ② DISMISS ALL CHARGES AGAINST PLAINTIFF FOR LACK OF JURISDICTION.
 - ③ ORDER AN IMMEDIATE PRELIMINARY HEARING ON ANY CHARGES NOT DISMISSED. FINE DEFENDANTS (AND PAY TO PLAINTIFF) ACTUAL DAMAGES OF \$25,000.⁰⁰ PER DAY PASTED THE 10TH DAY DEADLINE AND PUNITIVE DAMAGES AND AWARD DAMAGES TO PLAINTIFF.
 - ④ HABEAS CORPUS: ORDER PLAINTIFF RELEASED FROM ILLEGAL INCARCERATION. IMMEDIATELY.
 - ⑤ DECLATORY JUDGEMENT THAT BAIL WAS EXCESSIVE, AND THAT INCARCERATION WAS ILLEGAL AND UNLAWFUL.
 - ⑥ ACTUAL & PUNITIVE DAMAGES FOR LONG STANDING PRACTICE OF UNLAWFUL IMPRISONMENT, AS THE COURT SEES FIT.
 - ⑦ JURY TRIAL REQUESTED.
- I declare under penalty of perjury that the foregoing is true and correct.
- Signed this 10 day of JUNE, 2011

Robert Payne

Signature of Plaintiff